



Douglas J. MacGinnitie
Commissioner

State of Georgia
Department of Revenue
Suite 15300
1800 Century Boulevard
Atlanta, Georgia 30345
(404) 417-2100

Frank P. Connell
Director

NOTICE LGSD-2012-002

RE: Proposed Amendment of Rule 560-11-8-.08 "Multi-County Property," and Rule 560-11-8-.16 "Claim for Refund."

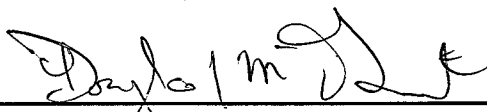
TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Rule 560-11-8-.08 "Multi-County Property"; and Rule 560-11-8-.16 "Claim for Refund." Attached with this notice are an exact copy and synopsis for the proposed rules. The proposed rules are being amended under the authority of O.C.G.A. §§ 48-2-12, 48-6-61, 48-6-62, and 48-6-64.

The Department of Revenue shall consider the amendment of Rule 560-11-8-.08 "Multi-County Property," and 560-11-8-.16 "Claim for Refund" at 10:00 a.m. on DECEMBER 26, 2012 in Suite 15200 of the Department's headquarters at the below address.

The Department must receive all comments regarding the amendment of the above referenced rule from interested persons and parties no later than 10:00 a.m. on DECEMBER 26, 2012. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. N.E., Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-2293. Please reference "Notice Number LGSD-2012-002" on all comments.

Dated: NOVEMBER 20, 2012.



Douglas J. MacGinnitie
Commissioner
Georgia Department of Revenue

SYNOPSIS

RULES
OF
DEPARTMENT OF REVENUE
LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-8
INTANGIBLE RECORDING TAX

560-11-8-.08 Multi-County Property.

- This is an amended Rule.
- This Rule provides the method for collecting Intangible Recording Tax when the encumbered property is in more than one county.
- This Rule is being amended to bring it into conformity with current Georgia law.

RULES
OF
DEPARTMENT OF REVENUE
LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-8
INTANGIBLE RECORDING TAX

560-11-8-.08 Multi-County Property.

(1) With respect to any instrument given as security for a long-term note wherein the real property is located in more than one county, the intangible recording tax shall be paid to ~~the~~each county in which the instrument is ~~first~~ recorded. The value of the real property located in each county must be certified under oath by the holder of the note presenting the instrument for recording.

(2) The collecting officer ~~will then transmit to each of the other counties their proportionate share of the tax, including any interest and penalties received, based upon multiplying the total tax, interest and penalties by the percentage of the value that the real property securing the instrument in that county bears to the value of all Georgia real property securing in each county shall certify that the proper intangible recording tax has been paid along with any penalties assessed on the instrument. The instrument and penalties shall be transmitted to the other counties in the same~~

manner as the tax, including the original county withholding the same applicable percentage as a collection fee.

(3) ~~Once the deed to secure debt is recorded, the certification that the proper intangible recording tax has been paid entitles the holder to record the deed to secure debt in any other county of this state without payment of any further tax.~~

(4) ~~If the holder desires to record the instrument simultaneously in more than one county, and if the instrument has been executed in multiple counterparts or consists of several documents substantially identical except for the descriptions of the real properties encumbered thereby, then the holder shall pay the intangibles should submit a counterpart of the instrument for recording tax to the in each individual county, in which the first of such counterparts or documents is recorded in accordance with subsection (1) and may record such other counterparts or documents in the other county or counties without payment of any additional intangible recording tax if an affidavit of the holder is attached thereto setting forth the amount of, and the county to which, the intangible recording tax was so paid on the first of such instruments recorded. The collecting officer in such other county or counties may rely upon said affidavit in accepting such other counterparts or documents for recording without payment of any additional intangible recording tax. The counterpart should contain~~

the appropriate description of the property that is encumbered in the subject county along with an affidavit that sets forth the value of the real property encumbered in every county being secured by the instrument.

Authority: O.C.G.A. §§ 48-2-12, 48-6-4, 48-6-8, 48-6-60, 48-6-61, 48-6-62, and 48-6-64 et seq.

SYNOPSIS

RULES
OF
DEPARTMENT OF REVENUE
LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-8
INTANGIBLE RECORDING TAX

560-11-8-.16 Claim for Refund.

- This is an amended Rule.
- This Rule provides for the method of filing a Claim for Refund of Intangible Recording Tax.
- This Rule provides clarification concerning the procedures to be followed in accordance with Georgia law.

RULES
OF
DEPARTMENT OF REVENUE
LOCAL GOVERNMENT SERVICES DIVISION

CHAPTER 560-11-8
INTANGIBLE RECORDING TAX

560-11-8-.16 Claim for Refund.

(1) Any taxpayer who disputes the taxability of an instrument or the amount of tax ~~collected~~ assessed by the collecting officer, may pay the tax under ~~P~~protest and record the deed. The ~~P~~protest must be filed ~~in duplicate and signed by the tax official collecting the tax at the time that the moment the instrument is recorded and tax is paid.~~ It cannot be filed after the instrument has been recorded. The Protest must be filed in duplicate and signed by the collecting officer at the time of recording. One copy is ~~to~~ should be attached to the instrument being recorded and with the second ~~executed~~ copy forwarded by the ~~Tax Official~~ collecting officer to the Department of Revenue, ~~Property Tax Division, 405 Trinity Washington Building, Atlanta, Georgia 30334~~ at the address indicated on the Protest form.

(2) The collecting officer ~~receiving~~ who receives the protested payment ~~under written protest~~ shall deposit it into a special escrow ~~fund~~ account.

(3) ~~A taxpayer making written protest must file a claim for refund of the protested amount within 30 days of the payment under protest~~who files a Protest must file a Claim for Refund in order to "perfect" the Protest. The Claim for Refund must be filed no later than thirty days from the date of the Protest. It may also be executed at the time the Protest is filed. The Claim for Refund should~~shall~~be filed in triplicate with the Department of Revenue, Property Tax Division, 405 Trinity Washington Building, Atlanta, Georgia 30334, and~~and~~sent to the address indicated on the Claim for Refund form. A~~a~~fourth copy shall be filed with the collecting officer who collected the tax~~recorded the instrument under Protest.~~

(4) Any taxpayer whose Protest and Claim for Refund is denied, in whole or in part, has the right to bring an action for refund of the amount so claimed and not approved against the collecting officer who ~~collected the amount, in his official capacity, in the Superior Court of the county where the tax was collected~~received the payment and recorded the instrument. The action must be filed in the Superior Court of the county in which the instrument was recorded under Protest or in the Georgia Tax Tribunal.

(5) If the Claim for Refund is approved, in whole or in part, the collecting officer who collected the tax shall refund to~~win refund~~the taxpayer the amount approved without interest.

Authority: O.C.G.A. §§ 48-2-12 and Sec. 48-6-76.

PROPOSED